

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARLOS VEGA and JOSEPH WHITEHEAD,
JR.,

Plaintiffs,

v.

CITY OF PHILADELPHIA and LAWRENCE
KRASNER,

Defendants.

Civil Action No. 2:19-CV-04039

**REQUEST FOR OFFER OF PROOF REGARDING PLAINTIFFS’
ANTICIPATED TRIAL WITNESSES**

Defendants respectfully request that the Court enter the attached Order compelling Plaintiffs to file (1) a revised trial witness list to identify the witnesses they genuinely intend to call at trial, and (2) an offer of proof as to subject of each witness’s testimony.

In their Pretrial Memo, Plaintiffs listed 41 witnesses to testify at trial (18 joint witnesses, 14 witnesses to testify for Mr. Vega, and 9 witnesses to testify for Mr. Whitehead). ECF 60.¹ The Court should compel Plaintiffs to provide a revised witness list and Offer of Proof so that Defendants can efficiently address issues of admissibility and relevance. Assuming

¹ Plaintiffs’ other discovery disclosures have not offered any additional insight into the fact witnesses they genuinely intend to testify at trial. In his initial disclosures, Mr. Vega identified 42 people he believed to have knowledge of the facts concerning the claims or defenses at issue in this lawsuit. Even after the benefit of discovery, Mr. Vega identified 39 people who would potentially provide lay witness testimony opinion pursuant to F.R.E. 701. Similarly, Mr. Whitehead identified 43 possible witnesses in his amended initial disclosures, and 47 people in his Rule 701 disclosures.

Plaintiffs submit a revised witness list and Offer of Proof, Defendants reserve the right to object to object to the admissibility of witness testimony, in whole or in part.

Respectfully submitted,

/s/ Lisa Swiatek

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Date: June 30, 2022

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ORDER

AND NOW, this ____ day of _____, 2022, upon consideration of Defendants' request for Plaintiffs to provide a revised witness list and offer of proof, and any response thereto, it is hereby ORDERED that Defendants' request is GRANTED and Plaintiffs are ordered to provide a revised, genuine witness list by July 8, 2022 and an offer of proof as to the anticipated subject of each witness's testimony.

The Honorable Gene E.K. Pratter
U.S. District Court Judge